

**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SACRAMENTO SESSION  
NOVEMBER 9, 2005**

**(FIRST AMENDED)**

The following cases are placed upon the calendar of the Supreme Court for oral argument at its courtroom in the Stanley Mosk Library and Courts Building, Sacramento, California, on November 9, 2005.

**WEDNESDAY, NOVEMBER 9, 2005—9:00 A.M.**

- (1) S131030 In re Marriage of Brown and Yana (*Cooper, J., assigned justice pro tempore.*)
- (2) S126773 People v. Salas (Javier) (*Butz, J., assigned justice pro tempore.*)
- (3) S124464 Pacific Lumber v. Cal. State Water Resources Control Board  
(*Bamattre-Manoukian, J., assigned justice pro tempore.*)

**1:30 P.M.**

- (4) S124503 People v. Shelton (Jonathan) (*Armstrong, J., assigned justice pro tempore.*)
- (5) S037302 People v. Hinton (Eric L.) [*Automatic Appeal*]  
(*Curry, J., assigned justice pro tempore.*)
- (6) S041630 People v. Jablonski (Phillip C.) [*Automatic Appeal*]  
(*Davis, J., assigned justice pro tempore.*)

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**GEORGE**  
*Chief Justice*

**Note:** In light of the current vacancy on the California Supreme Court, a different justice of the Court of Appeal has been assigned to participate in each case scheduled for argument, pursuant to the court's established alphabetical rotational procedure.

If exhibits are to be transmitted to this court, counsel must comply with rule 18(c) of the California Rules of Court.

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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**WEDNESDAY, NOVEMBER 9, 2005—9:00 A.M.**

***(1) In re Marriage of Brown and Yana, S131030 (Cooper, J., assigned justice pro tempore.)***

#05-53 In re Marriage of Brown and Yana, S131030. (B170252; 125 Cal.App.4th 54; Superior Court of San Luis Obispo County; DR21998.) Petition for review after the Court of Appeal reversed an order in a marital dissolution action. This case includes the following issue: When a trial court evaluates a custodial parent's relocation request, is the noncustodial parent entitled to an evidentiary hearing without making any threshold showing that the proposed move is likely to be detrimental to the interests of the child?

***(2) People v. Salas (Javier), S126773 (Butz, J., assigned justice pro tempore.)***

#04-108 People v. Salas (Javier), S126773. (B159750; 119 Cal.App.4th 805; Superior Court of Los Angeles County; BA204220.) Petition for review after the Court of Appeal affirmed one judgment of conviction of criminal offenses and reversed another judgment of conviction of criminal offenses. This case presents the following issue: Is a violation of Corporations Code section 25110, which makes it unlawful "to offer or sell in this state any security . . . unless such sale has been qualified . . . or unless such security or transaction is exempted," a strict liability crime, or is it a general intent crime requiring that the defendant know that what he or she sold were unqualified securities and have knowledge of facts making the securities nonexempt?

***(3) Pacific Lumber v. Cal. State Water Resources Control Board, S124464 (Bamattre-Manoukian, J., assigned justice pro tempore.)***

#04-66 Pacific Lumber v. Cal. State Water Resources Control Board, S124464.

(A102399; 116 Cal.App.4th 1232; Superior Court of Humboldt County; DR010860.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case includes the following issue: Was the California State Water Resources Control Board precluded by the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Resources Code, § 4511 et seq.) from imposing water quality conditions on timber harvesting operations after a timber harvesting plan had been approved by the California Department of Forestry and Fire Protection?

**1:30 P.M.**

***(4) People v. Shelton (Jonathan), S124503 (Armstrong, J., assigned justice pro tempore.)***

#04-67 People v. Shelton (Jonathan), S124503. (C044625; 117 Cal.App.4th 138; Superior Court of Sacramento County; 00F05251.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Was defendant required to obtain a certificate of probable cause (Pen. Code, § 1237.5; Cal. Rules of Court, rule 31) in order to claim on appeal that the manner of calculating the maximum sentence he agreed to in a plea agreement violated Penal Code section 654? (2) Was defendant's postplea claim that a portion of the sentence to which he had agreed was unauthorized barred as an impermissible challenge to the plea itself?

***(5) People v. Hinton (Eric L.), S037302 [Automatic Appeal] (Curry, J., assigned justice pro tempore.)***

This matter is an automatic appeal from a judgment of death.

***(6) People v. Jablonski (Phillip C.), S041630 [Automatic Appeal] (Davis, J., assigned justice pro tempore.)***

This matter is an automatic appeal from a judgment of death.